

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:09cv361**

**MELISSA ANN SLUDER KING,**

**Plaintiff,**

**VS.**

## ORDER

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

**THIS MATTER** is before the Court on the Defendant's Consent  
Motion for Remand Pursuant to Sentence Six of 42 U.S.C. § 405(g) [Doc.  
9].

The Defendant, Michael Astrue, Commissioner of Social Security, moves this Court, pursuant to sentence six of 42 U.S.C. § 405(g), to enter a judgment remanding the cause for further administrative proceedings.

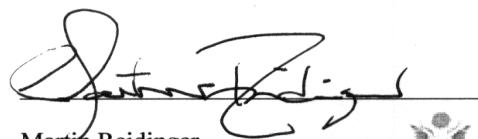
Upon careful review of the Defendant's Motion, and for good cause shown, **IT IS, THEREFORE, ORDERED** that the Defendant's Consent

Motion for Remand Pursuant to Sentence Six of 42 U.S.C. § 405(g) [Doc. 9] is **GRANTED**. Pursuant to the power of this Court to enter a judgment remanding in Social Security actions under sentence six of 42 U.S.C. § 405(g), this Court hereby **REMANDS** this cause to the Commissioner for further proceedings. See Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991). On remand, the Commissioner will expedite the assignment of this matter to an Administrative Law Judge (“ALJ”) who will:

1. Reconstruct the administrative file;
2. Conduct a new hearing;
3. Issue a new decision;
4. All on an expedited basis, in view of the fact that the original administrative file, recording of the November 16, 2007 hearing and February 20, 2008 ALJ decision have been lost.

**IT IS SO ORDERED.**

Signed: February 12, 2010

  
Martin Reidinger  
United States District Judge

